

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

IN THE COURT OF COMMON PLEAS
FOR THE SECOND JUDICIAL CIRCUIT

LELIA HOLLEY,

Plaintiff,

v.

GREAT CLIPS, INC.,

and

CHERRY BIM, INC.,

Defendants.

SUMMONS

To: GREAT CLIPS, INC. and CHERRY BIM, INC.:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

Augusta, Georgia
February 10, 2021

s/ Leland M. Malchow
Leland M. Malchow
Chris C. Johnson
NIMMONS MALCHOW JOHNSON
460 Greene Street
Augusta, Georgia 30901
(706)724-8890
Counsel for Plaintiff

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

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and

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Defendants.

COMPLAINT FOR PERSONAL INJURIES

(Jury Trial Requested)

COMES NOW Lelia Holley, Plaintiff in the above-styled case, by and through her undersigned counsel, and would show this Honorable Court the following:

PARTIES, JURISDICTION, AND VENUE

1.

Plaintiff, Lelia Holley, is a resident and citizen of Aiken County, South Carolina.

2.

Upon information and belief, Great Clips, Inc. (hereinafter “Great Clips”) is a Minnesota Corporation and may be served via its Chief Executive Officer, Steven Hockett, at the following address: 4400 W. 78th St., Ste 700, Minneapolis, MN 55435.

3.

Upon information and belief, Cherry BIM, Inc. (hereinafter “Cherry Bim”), is a Georgia Corporation and may be served via its registered agent and Chief Executive Officer, Brenda Maslamani, at the following address: 505 Robinson Avenue SE, Atlanta, GA 30315.

4.

This action arises out of an injury-causing incident which occurred on February 28, 2020

SUMMONS AND COMPLAINT

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at a Great Clips located at 404 E. Martintown Road, Ste A, North Augusta, South Carolina 29841.

5.

The South Carolina Court of Common Pleas possesses subject matter jurisdiction over this matter pursuant to Article V, Section 11 of the South Carolina Constitution and S.C. Code Ann. § 14-5-10, et seq.

6.

The South Carolina Court of Common Pleas possesses personal jurisdiction over the Defendant pursuant to S.C. Code Ann. § 36-2-803.

7.

Venue is appropriate in the Aiken County Court of Common Pleas pursuant to S.C. Code Ann. § 15-7-30(F)(1) as the most substantial part of the acts and omissions underlying the causes of action alleged within this Complaint occurred within Aiken County.

BACKGROUND AND INCIDENT

8.

On or about February 28, 2020, Ms. Holley paid a visit to the above-identified Great Clips location in order to have her hair cut and styled.

9.

Upon information and belief, Defendant Great Clips is the franchisor of the “Great Clips” trademark.

10.

Upon information and belief, Defendant Cherry Bim is the franchisee of this particular “Great Clips” location.

10.

At some point during her visit, Ms. Holley was led by one of the hair stylists employed at this location to a wash station to have her haired washed and rinsed.

11.

At all times relevant, Defendant, by and through its agents and employees, exercised control over the subject wash station and were responsible for keeping the area safe for invitees such as Ms. Holley.

12.

At all times relevant to the facts set forth herein, Ms. Holley was acting in a reasonable and prudent manner in conducting herself while receiving services offered at the Great Clips location.

13.

After the hair stylist washed and rinsed Ms. Holley's hair, Ms. Holley was told to stand and walk, unassisted, to another chair for the stylist to begin her haircut.

14.

Ms. Holley, 83 years old and walking with the assistance of a cane at the time, attempted to make her way from the wash station to the stylist's chair but slipped due to the presence of water on the floor causing her to fall and suffer severe injury.

15.

At all times relevant, Defendants, by and through their agents and employees, held a duty of care to keep and maintain the premises in a way that ensures the safety of invitees such as Ms. Holley.

16.

At all times relevant, Plaintiff was provided no other option but to traverse the floor despite the hazardous condition.

17.

At all times relevant, Defendants, by and through their agents and employees, held a duty of ordinary care to conduct itself in a reasonable and safe manner.

18.

Defendants, by and through their agents and employees, knew or should have known of the unreasonably dangerous condition present at the Great Clips location and thus had a duty to warn customers at this location of the hazard and a duty to remedy that hazard so as not to cause injury to third parties, namely Ms. Holley.

19.

Defendants breached this duty of care by failing to take any steps whatsoever to maintain and/or inspect the wash station at or around the time of Ms. Holley's injury.

20.

As a result of Defendants' employee's negligent failure to properly keep and maintain the area, Plaintiff sustained severe injuries and all other damages complained of herein.

21.

At all times relevant, Ms. Holley relied on Cherry Bim's usage of the Great Clips brand name, logo, and other identifying characteristics when making her decision to patronize the establishment.

22.

As a result of Cherry Bim's apparent associate with Great Clips and Ms. Holley's reliance thereon, Cherry Bim was ostensibly an agent of Great Clips at the time of the negligent acts alleged in this Complaint.

23.

Due to her reliance upon the apparent agency between Cherry Bim and Great Clips, Ms. Holley suffered the above-mentioned slip and fall.

24.

As the sole and proximate result of the Defendants' negligence, Plaintiff has or will incur the following damages which are recoverable under the laws of the state of South Carolina:

I. GENERAL DAMAGES:

- a. Present bodily pain from the date of injury to the time of trial;

- b. Future bodily pain;
- c. Past, present and future mental suffering due to permanent injuries and monetary loss; and
- d. Loss of enjoyment of life and recreation due to the fact that Plaintiff is not physically and emotionally capable of being the same person as she was prior to being injured.

II. SPECIAL DAMAGES:

- a. Presently incurred medical expenses which are still to be determined;
- b. Medical expenses that will most likely be incurred in the future because Plaintiff's injuries will persist;
- c. Expense of travel for medical treatment;
- d. Lost wages.

PRAYER FOR RELIEF

WHEREFORE, having set out the true allegations contained herein, your Plaintiff respectfully prays that this Court grant the following:

- A. That Plaintiff be granted judgment against the Defendants in the form of general and special damages in an amount to be determined by the enlightened conscience of a fair and impartial jury;
- B. That Plaintiff has a trial by jury as to all issues;
- C. That Plaintiff be granted all costs of bringing this action; and
- D. That the Court grant such other and further relief as it deems just and proper.

[SIGNATURE ON FOLLOWING PAGE]

Respectfully submitted.

NIMMONS MALCHOW AND JOHNSON

s/ Leland M. Malchow
Leland M. Malchow
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Augusta, Georgia
February 10, 2021

STATE OF SOUTH CAROLINA
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IN THE COURT OF COMMON PLEAS
Civil Action No. 2021-CP-02-00294

LELIA HOLLEY,

Plaintiff,

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GREAT CLIPS, INC., AND CHERRY
BIM, INC.,

Defendants.

ACCEPTANCE OF SERVICE

DUE AND LEGAL service of the **Summons and Complaint, Plaintiff's First Set of Interrogatories and Requests for Production** in the above-entitled action has been accepted by Jonathan G. Roquemore, Esquire, as attorney for and on behalf of Cherry Bim, Inc. on this 8th day of March, 2021.

HEDRICK GARDNER KINCHELOE & GAROFALO LLP

By:



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Attorney for Cherry Bim, Inc.